IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 20078 of 2007(M)

PETITIONER:

MOLLY JOHN,
PANAVELIL HOUSE, KARIKULAM P.O.,
RANNI, PATHANAMTHITTA.

BY ADV. SRI.JACOB P.ALEX

RESPONDENTS:

1. DISTRICT COLLECTOR, PATHANAMTHITTA.

2. TAHSILDAR, RANNI.

3. ADDL. TAHSILDAR, RANNI.

4. VILLAGE OFFICER,
PAZHAVANGADI VILLAGE, RANNI.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C).No.20078 of 2007

==========

Dated this the 29th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P11 notice by which the petitioner has been directed to vacate the premises mentioned therein, within seven days of receipt of the notice. The contention of the petitioner is that no Government land is involved and the petitioner is in possession of the properties in question in accordance with the title obtained by her properly. The petitioner also submits that in so far as Ext.P11 has not been preceded by a notice or hearing, the same is violative of the principles of natural justice as also the provisions of the Kerala Land Conservancy Act and Rules.

2. I have heard the learned Government Pleader also.

3. The learned Government Pleader is not able to satisfy me that Ext.P11 has been preceded by a notice or hearing. Ext.P11 also does not contain any reason as to why emergency provisions as per the Land Conservancy Act should be invoked. Therefore, I am satisfied that Ext.P11 has been passed in violation of the principles of natural

justice as well as the provisions of the Kerala Land Conservancy Act and Rules. However, for that reason I do not think that it is necessary to quash Ext.P11 as such, if the same is considered as a show-cause notice. In the above circumstances, this writ petition is disposed of with the following directions:

The third respondent is directed to treat Ext.P11 as a show cause notice. The petitioner has filed Ext.P12 objections to the same. The third respondent shall consider Ext.P12 objections after affording the petitioner an opportunity of being heard which shall include opportunity to adduce evidence. Thereafter, the third respondent shall pass a speaking order dealing with the objections on the basis of the contentions and evidence to be submitted by the petitioner. Till such orders are passed and communicated to the petitioner, she shall not be evicted from the property in question.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.